

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ELITE UNION INSTALLATIONS, LLC,

Plaintiff,

20 **CIVIL** 4761 (LJL)

-v-

JUDGMENT

NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD,

Defendant.

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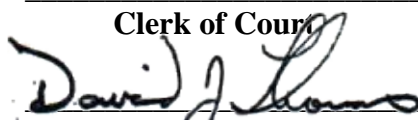
It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 13, 2021, the motion to dismiss is GRANTED. In light of the Court's finding that no liability can arise under the Policy for losses suffered as a result of the Civil Authority Orders issued in response to the COVID-19 pandemic, amendment would be futile and the dismissal of the complaint is with prejudice. *See Pangburn v. Culbertson*, 200 F.3d 65, 71 (2d Cir. 1999) (holding that it is appropriate to deny leave to amend where "it is 'beyond doubt that the plaintiff can prove no set of facts in support' of his amended claims" (quoting *Ricciuti v. N.Y.C. Transit Auth.*, 941 F.2d 119, 123 (2d Cir. 1991))); *Thai v. Cayre Grp., Ltd.*, 726 F. Supp. 2d 323, 338 (S.D.N.Y. 2010) (denying leave to amend where there was "no additional substantive information [plaintiff] could offer to cure the deficient pleadings with respect to her . . . claim"); accordingly, the case is closed.

Dated: New York, New York
September 14, 2021

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk

